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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,111	12/29/2000	Wendell P. Noble JR.	M4065.0019/P019-A	6297

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EXAMINER

THOMAS, TONIAE M

ART UNIT	PAPER NUMBER
2822	6

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Introduction

1. Applicant's election without traverse of Group I (claims 1-33) in Paper No. 5 is acknowledged. However, the Applicant is required to elect either the method of making or the method of using (MPEP §806.05(i)). Therefore, the restriction requirement that was mailed on 13 August 2002 is being made again in this action.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 47-52, drawn to a method of storing a binary logic value, classified in class 365, subclass 250.01.
- II. Claims 53-54, drawn to a method of making, classified in class 438, subclass 313.

2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as process of making and process of using the product. Since the product is not allowable, restriction is proper between said method of making and method of using.

Election of Method of Making

3. If Applicant elects the method of making, then the product claims 1-33 will be examined along with the elected invention (MPEP § 806.05(i)).

Election of Method of Using

4. If Applicant elects the method of using, then the product claims 1-33 will not be examined along with the elected invention because the product and the method of using can be shown to be distinct (MPEP § 806.05(i)). The product and method of using can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the process for using the product as claimed can be practiced with another materially different product. For example, an SRAM cell comprising two back-to-back inverters can be used to practice the process of using as claimed.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toniae M. Thomas whose telephone number is (703) 305-7646. The examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (703) 308-4905. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JMJ

November 3, 2002

[Signature]
Mary Wilczewski
Primary Examiner